

# Facsimile

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Date: 14 January 2003

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name: Examiner Sunesh Kaushal, Ph.D., Group Art Unit 1636

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Pages: 7 (including this fax cover sheet)

Subject: Attorney File No. IM-2-C1-C1

U.S. Patent Application Serial No: 09/755,633

From: Richard J. Stern, Ph.D. (970-493-7272 - Ext. 4174)

**FAX RECEIVED**

**JAN 15 2003**

**GROUP 1600**

**Special Instructions:**

Response to Restriction Requirement and Preliminary Amendment is attached.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Yang, Shumin  
McCall, Catherine A.  
Weber, Eric R.

Serial No.: 09/755,633

Filed: January 5, 2001

Atty. File No.: IM-2-C1-C1

For: "CANINE IMMUNOREGULATORY  
NUCLEIC ACID MOLECULES, AND  
USES THEREOF"  
(As Amended)

) Group Art Unit: 1636

) Examiner: Sumesh Kaushal

) RESPONSE TO RESTRICTION  
) REQUIREMENT AND  
) PRELIMINARY AMENDMENT

## CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS  
CORRESPONDENCE IS BEING FACSIMILE  
TRANSMITTED TO EXAMINER SUMESH KAUSHAL,  
Ph.D., FAX NO. 703-308-1242, ADDRESSED TO  
COMMISSIONER FOR PATENTS, WASHINGTON, DC  
20231, THIS 14TH DAY OF JANUARY 2003.

HESKA CORPORATION

By: *Susan A. Gordon*

Susan A. Gordon

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed from the U.S. Patent and Trademark Office on December 17, 2002, Applicants provisionally elect to prosecute Group I with traverse for the reasons given below. Applicants note this election is made solely in the interest of expediting prosecution and Applicants reserve the right to traverse division between Groups II and III and division between species in subsequent divisional filings. Applicants further reserve the right to file divisional applications relating to these claims without the need to file a terminal disclaimer.

Prior to Examination of the claims on the merits, please amend the above-referenced Application as follows:

IN THE TITLE

Please cancel the current title and enter the following new title:

CANINE IMMUNOREGULATORY NUCLEIC ACID MOLECULES AND USES THEREOF